

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF WHEATLAND
AMENDING WHEATLAND MUNICIPAL CODE CHAPTER 18.51,
PLANNED DEVELOPMENT (PD) ZONE REGULATIONS**

The City Council of the City of Wheatland does ordain as follows:

SECTION 1. Purpose and Authority. The purpose of this ordinance is to revise the planned development zone regulations (Wheatland Municipal Code chapter 18.51) of the City Zoning Code. The revised chapter authorizes the adoption of planned development zones, subject to specified procedures and standards. This ordinance is adopted pursuant to Government Code sections 65850 and 65853 and other applicable law.

SECTION 2. Findings. The City Council finds and determines as follows:

a. The City desires to amend and revise its planned development zone regulations as provided below.

b. Following a duly noticed and conducted public hearing, the Planning Commission has recommended that the City Council amend the City planned development zone regulations as set forth in this ordinance.

c. The City Council has conducted a duly noticed public hearing concerning the proposed amendment of the planned development zone regulations.

d. The revised planned development zone regulations are consistent with and further the implementation of the Wheatland General Plan.

e. The adoption of this ordinance is exempt from environmental review under the California Environmental Quality Act and CEQA Guidelines because it can be seen with certainty that there is no possibility that the mere adoption of this ordinance, which establishes the authorization and process to approve a planned development zone, may have a significant effect on the environment. (CEQA Guidelines section 15061(b)(3).) Implementation of the ordinance will be through the review, consideration and approval of project-specific planned development zone applications that will be subject to project-specific CEQA environmental review.

SECTION 3. Chapter Amendment. Wheatland Municipal Code chapter 18.51 is hereby amended to read as follows:

Chapter 18.51

PD PLANNED DEVELOPMENT ZONE

Sections:

- 18.51.010 Purpose.
- 18.51.020 Applicability and development stages.
- 18.51.030 Application.
- 18.51.040 Application review criteria.
- 18.51.050 Review and approval of application.
- 18.51.060 General Regulations.
- 18.51.070 Planned development ordinance revision.

18.51.010 Purpose.

The purposes and intent of this Chapter are to:

- A. Authorize the establishment of a planned development zoning district through which one or more properties are planned as a unit with development standards tailored to the site.
- B. Provide maximum flexibility and diversification in the development of property.
- C. Maintain consistency with, and implement the provisions of, the Wheatland General Plan and applicable specific plans.
- D. Protect the integrity and character of both residential and non-residential areas of the City.
- E. Encourage efficient use of land for preservation of sensitive environmental areas such as open space areas and significant topographic features.
- F. Provide for effective development of public facilities and services for the site.
- G. Encourage use of design features to achieve development that is compatible with the area.
- H. Allow for creative and imaginative design that will promote amenities beyond those expected or provided in conventional developments.
- I. Create a more desirable use of the land, a more coherent and coordinated development, and a better physical environment than would otherwise be possible under a single zoning district or combination of zoning districts.

18.51.020 Applicability and development stages.

A. The provisions of this Chapter shall be applicable to property only upon designation of the site as a Planned Development Zoning District pursuant to a Planned Development Ordinance adopted in accordance with the procedures set forth in Chapter 18.85 and state law. A Planned Development Zoning District shall be established by the adoption of an ordinance that reclassifies the property to such district and adopts a Development Plan in accordance with the requirements of this Chapter. A Planned Development Zoning District application may be processed concurrently with a specific plan application. The Development Plan shall establish regulations for the use, development, improvement, and maintenance of the property within the requested Planned Development Zoning District, and may be adopted in stages, as follows:

1. Stage 1 Development Plan. A Stage 1 Development Plan shall be adopted for the entire planned development site with the reclassification of the property to the Planned Development

Zoning District. The plan shall include and establish the permitted, conditionally permitted, and accessory uses; Stage 1 site plan, site area and proposed densities; maximum number of residential units and non residential square footage; phasing plan and preliminary landscaping plan; statements confirming consistency with General Plan and any applicable specific plan; an aerial photo of the site; other information necessary or appropriate for the review of the proposed project as required by the Community Development Director; and any provisions as further described in the Application section below.

2. Stage 2 Development Plan. A Stage 2 Development Plan for all or a portion of the entire Planned Development Zoning District site may be adopted with the Stage 1 Development Plan at the time of the Planned Development Zoning District ordinance adoption, or may be adopted at a subsequent time as a separate zoning ordinance amendment(s). A Stage 2 Development Plan shall include and establish permitted, conditionally permitted, and accessory uses; Stage 2 site plan, site area and maximum proposed densities; maximum numbers of residential units by type and non-residential square footage for each use; development regulations and standards for all development within the area, which may include lot areas, lot square footage per dwelling unit, lot width and frontage, lot depth, setbacks, distances between buildings and structures, maximum lot coverage, common useable outdoor space, floor area ratios, height limits, parking, driveways, loading areas, signage, fencing, grading standards, and trash enclosures; architectural standards; final master landscape plan; other information necessary or appropriate for the review of the proposed project as required by the Community Development Director; and any provisions as further described in the Application section below.

B. All subdivision maps, conditional use permits, and site development reviews within a Stage 2 development area shall be consistent with the Stage 2 Development Plan. Subdivision map approval and land use and development permits may be issued only for those portions of a Planned Development Zoning District for which a Stage 2 Development Plan has been adopted. Where phased development of the Planned Development Zoning District is proposed, Stage 2 Development Plans may be requested by the developer for portions of the property within the Planned Development Zoning District.

18.51.030 Application.

An application for a Planned Development Zoning District may be submitted on such form or forms as prescribed by the Community Development Director and subject to payment of applicable fees and deposits. The application shall include the following:

A. Stage 1 Development Plan. The Stage 1 Development Plan application shall include all of the following information and materials for the entire proposed Planned Development Zoning District site:

1. Statement of proposed uses. A written statement of proposed land uses, including permitted, conditional and accessory uses.

2. Stage 1 Site Plan. A Stage 1 Site Plan showing the location and arrangement of existing and proposed land uses, and proposed development stages for the entire Planned Development Zoning District, and uses and structures within 300 feet beyond the district boundary; location of public uses including but not limited to parks, schools, and trails; existing and proposed locations of highways, arterials and collector streets.

3. Site area, proposed densities. Gross and net area of the site; maximum densities for residential and non-residential development, minimum densities where applicable for compliance

with the Wheatland General Plan or applicable specific plans; and maximum number of residential units and/or maximum non-residential square footage.

4. Phasing Plan. A phasing plan showing the boundaries, timing and sequencing, gross and net areas and densities, and non-residential square footage for development within the entire Planned Development Zoning District. It also shall include existing and proposed land uses; major features of the circulation system including any existing and proposed highways, arterials, and collector streets; other infrastructure requirements including water supply, wastewater collection, treatment and disposal, and drainage systems.

5. Master Neighborhood Landscaping Plan. A preliminary master neighborhood landscaping plan showing parks, pedestrian circulation, landscaping, and hardscape proposed at the neighborhood level.

6. General Plan and Specific Plan Consistency. A written statement addressing and confirming consistency of the development project with all elements of the General Plan and any applicable specific plans.

7. Aerial Photo. An aerial photo of the proposed district and 300 feet beyond its boundary showing sufficient topographic data to indicate clearly the character of the terrain; the type, location, and condition of mature trees, and other natural vegetation; and the location of existing development.

8. Other information. Other information as may be required by the Planning Commission or Community Development Director as may be necessary or appropriate for the substantive and/or environmental review of the proposed project.

B. Stage 2 Development Plan. The Stage 2 Development Plan shall include the following detailed information and materials for all or a portion of the site, as applicable under any proposed or adopted phasing plan:

1. Statement of compatibility with Stage 1 Development Plan. A written statement demonstrating compatibility of the Stage 2 Development Plan with the Stage 1 Development Plan.

2. Statement of proposed uses. A written statement of proposed uses, including permitted, conditional, and accessory uses.

3. Stage 2 Site Plan. A detailed site plan for all or a portion of the Planned Development Zoning District showing the location and arrangement of existing and proposed land uses on the site and within 100 feet beyond its boundary; existing and proposed circulation system; existing structures and proposed general building areas; contours; parking areas, driveways and loading areas in general; limits of grading; proposed entry monuments; and phasing boundaries per the Stage 1 Development Plan.

4. Site area, proposed densities. Gross and net area of the Stage 2 site; maximum densities for residential and non-residential development by type, minimum densities where applicable for compliance with the Wheatland General Plan or applicable specific plans; and maximum numbers of residential units by type and or maximum non-residential square footage for each use.

5. Development Regulations. Development regulations and limitations relating to lot areas, lot square footage per dwelling unit, lot width and frontage, lot depth, setbacks, distances between buildings and structures, maximum lot coverage, common useable outdoor space, floor area ratios, height limits, parking, driveways, loading areas, signage, fencing, grading standards, and trash enclosures, accompanied by any necessary or appropriate diagrams.

6. Graphic and written materials depicting conceptual buildings, structures, landscapes, signs and other significant development features and showing their design, scale, form, materials, textures, and physical arrangements between and among buildings, structures and other features;

7. A detailed calculation of the density of the various land uses, demonstrating that maximum density does not exceed that allowed for the entire site under applicable General Plan land use designations;

8. Proposed circulation systems showing the location and size of arterial and collector streets and interconnections with adjoining streets;

9. Public uses including public works (e.g., water, sewer, drainage, other utilities), schools, parks, recreational areas, trails, walkways and other open space areas;

10. Architectural Standards. Area-wide and project-wide architectural standards, concepts, and themes.

11. Final Landscaping Plan. A final landscaping plan implementing the preliminary master neighborhood landscaping plan.

12. Other information. Other information as may be required by the Planning Commission or Community Development Director as may be necessary or appropriate for the substantive and/or environmental review of the proposed project.

18.51.040 Application review criteria.

In evaluating whether to approve a Planned Development Zoning District application, the Planning Commission and City Council shall consider and apply the following criteria:

A. The Planned Development Zoning District must be consistent with and implement the General Plan and any applicable specific plan.

B. The Planned Development Zoning District must provide for an overall development, building and structure types, and land uses that are well planned, designed and coordinated, and attractive.

C. The Planned Development Zoning District must be compatible with the surrounding land uses and environment.

D. The Planned Development Zoning District must be consistent with any applicable City-adopted design guidelines.

E. There must be adequate and appropriate amounts of landscaping, open space, setbacks and distances between buildings and structures, and other development standards as are appropriate for the specific development and land uses within the planned development zone.

F. Clustering of residential units and other land uses is encouraged; however, the total number of housing units and/or non-residential square footage shall not exceed what is allowed for the entire site under the General Plan or any applicable specific plan.

18.51.050 Review and approval of application.

After receipt of a complete Planned Development Zoning District application, a Planned Development Zoning District may be established pursuant to the adoption of a Planned Development Zoning District ordinance adopted in the same manner as zoning ordinances generally. Approval of a Planned Development Zoning District application shall be done pursuant to a Planned Development Zoning District ordinance that will contain, include or reference the development plan, text, maps and other documents setting forth the approved Planned Development Zoning District and related development plan. Following review of a complete Planned Development Zoning District application by the Community Development

Director, the proposed Planned Development Zoning District shall be submitted to the Planning Commission as a proposed rezoning of the subject property to a Planned Development Zoning District zone. The Commission shall review and act on the Planned Development Zoning District ordinance in the same manner as zoning ordinances generally. The Commission may recommend altering or modifying the proposed Planned Development Zoning District ordinance and related development plan and standards. Following the evaluation and recommendation of the Planning Commission, the proposed Planned Development Zoning District ordinance shall be considered by the City Council in the same manner as zoning ordinances generally. The Council may alter or modify the proposed Planned Development Zoning District ordinance and related development plan and standards. An approved planned development zone shall be noted on the City Zoning Map by the designation "PD-Ord. No. xxx," including the designation of the ordinance number approving the Planned Development Zoning District.

18.51.060 General Regulations.

A. Minimum Area. A Planned Development Zoning District must be of sufficient size that development, construction, marketing and operation of the zone is feasible as a complete independent zone. The minimum area for a Planned Development Zoning District shall be four acres, however, a district may be less than four acres in size upon a finding by the Community Development Director that there is a unique character to the site, to the proposed land use, or to the proposed improvements for which the Planned Development Zoning District is better suited than conventional zoning.

B. Densities, floor area ratios, and square footages. The densities in residential areas, and floor area ratios and square footages in non-residential areas, may not exceed the densities, floor area ratios, or square footages permitted in the Wheatland General Plan and applicable specific plans for such uses.

C. Upon approval of a Planned Development Zoning District ordinance, the approved development plan and standards shall constitute the development plan, standards and restrictions for the area covered by the Planned Development Zoning District ordinance. Development, subdivisions, land uses and construction in the planned development zone area shall comply with, be consistent with, and be subject to the Planned Development Zoning District ordinance. Except as specifically provided or modified by a Planned Development Zoning District ordinance, all development in a Planned Development Zoning District site also shall be subject to the regulations in Title 17 and 18 and including the zoning requirements and limitations pertaining to the closest comparable zoning district as determined by the Community Development Director. If there is any inconsistency between a Planned Development Zoning District ordinance and a provision of Title 17 or 18, the Planned Development Zoning District ordinance shall govern.

D. No use is permitted in a Planned Development Zoning District except (a) in accordance with the approved Development Plan adopted pursuant to this Chapter, and (b) pre-existing uses, subject to Chapter 18.70.

E. Maintenance. Proper care and maintenance of all lands included within a Planned Development Zoning District not utilized for building sites, public roads and public uses shall be assured by recorded land agreements, covenants, proprietary control or other specified mechanism that attains this objective. The proposed method of assuring the care and maintenance of such lands shall be included as part of the approved Development Plan.

18.51.070 Planned development ordinance revision.

The Community Development Director by administrative action and/or the Planning Commission by a conditional use permit may approve minor changes or revisions to an adopted Planned Development Zoning District ordinance upon a finding that the change or revision substantially complies with and does not materially change the provisions or intent of the adopted Planned Development Zoning District ordinance for the site. All other amendments to an adopted Planned Development Zoning District ordinance shall be processed pursuant to Chapter 18.85 and state law.

SECTION 5. This ordinance shall take effect 30 days after its final passage.

SECTION 6. Within 15 days from the date of passage of this ordinance, the City Clerk shall post a copy of it in at least three public places in the City.

INTRODUCED by the City Council on the ____ day of _____ 2009.

PASSED AND ADOPTED by the City Council of the City of Wheatland on the ____ day of _____ 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Enita Elphick, Mayor

Attest:

Lisa J. Thomason, City Clerk

I hereby certify that the foregoing is a true and correct copy of City of Wheatland Ordinance No. _____, which ordinance was duly introduced, adopted and posted pursuant to law.

Lisa J. Thomason, City Clerk